

IN THE MATTER between **NTHC**, Applicant, and **MAG**, Respondent.

AND IN THE MATTER of the **Residential Tenancies Act** R.S.N.W.T. 1988, Chapter R-5  
(the "Act");

AND IN THE MATTER of a hearing before **Adelle Guigon**, Rental Officer,

BETWEEN:

**NTHC**

Applicant/Landlord

-and-

**MAG**

Respondent/Tenant

**REASONS FOR DECISION**

**Date of the Hearing:** March 8, 2017

**Place of the Hearing:** Yellowknife, Northwest Territories

**Appearances at Hearing:** CS, representing the applicant

**Date of Decision:** March 8, 2017

**REASONS FOR DECISION**

An application to a rental officer made by FSHA on behalf of the NTHC as the applicant/landlord against MAG as the respondent/tenant was filed by the Rental Office November 18, 2016. The application was made regarding a subsidized public housing residential tenancy agreement for a rental premises located in Fort Smith, Northwest Territories. The applicant served a copy of the filed application on the respondent by registered mail signed for December 23, 2016.

The applicant alleged the respondent had repeatedly failed to pay rent and had accumulated rental arrears. An order was sought for payment of the rental arrears, termination of the tenancy agreement, and eviction.

A hearing was scheduled for March 8, 2017, by three-way teleconference. CS appeared representing the applicant. MAG was served notice of the hearing by registered mail signed for March 1, 2017. The respondent did not appear at the hearing, nor did anyone appear on her behalf. The hearing proceeded in her absence pursuant to section 80(2) of the *Residential Tenancies Act* (the Act).

*Previous orders*

Rental Officer Order Number 10-14951 dated January 21, 2016, required the respondent to pay rental arrears in the amount of \$3,285, terminated the tenancy agreement February 19, 2016, and evicted the respondent from the rental premises February 22, 2016. This order was issued regarding a prior tenancy agreement for a different rental premises than the current tenancy.

*Tenancy agreement*

The applicant's representative testified and provided evidence establishing a residential tenancy agreement for subsidized public housing commencing February 18, 2016. I am satisfied a valid tenancy agreement is in place between the parties in accordance with the Act.

*Rental arrears*

The lease balance statements entered into evidence represent the landlord's accounting of monthly assessed rents and payments made against the respondent's rent account. All rents have been subsidized based on reported household income. The current subsidized rent is assessed at \$610 per month. The last three payments made against the rent account were recorded: March 1, 2017, in the amount of \$200; February 10, 2017, in the amount of \$300; and January 13, 2017, in the amount of \$696.51.

I am satisfied the lease balance statements accurately reflect the current status of the respondent's rent account. I find the respondent has repeatedly failed to pay rent in full when due and has accumulated rental arrears in the amount of \$1,020.

*Termination of the tenancy agreement and eviction*

In consideration of the respondent's repeated failure to pay her rent and the amount of rental arrears accumulated, I am satisfied termination of the tenancy agreement and eviction are justified. By agreement with the applicant's representative, I am satisfied conditional termination and eviction dependent on the respondent paying the rental arrears in full and future rents on time is reasonable.

*Orders*

An order will issue: requiring the respondent to pay rental arrears in the amount of \$1,020; requiring the respondent to pay her rent on time in the future; terminating the tenancy agreement June 30, 2017, unless the rental arrears are paid in full and the rents for April, May, and June are paid on time; and evicting the respondent from the rental premises July 1, 2017, if the termination of the tenancy becomes effective.

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Adelle Guigon  
Rental Officer